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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KAMAL, SHAHID

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09/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/796,067	Applicant(s) DEMARTINI ET AL.	
	Examiner SHAHID KAMAL	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-23 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-11, 13-23 and 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. Claims 1, 3-11, 13-23 and 25-33 are now pending in this application and have been examined.
2. Upon further review of the arguments provided by the applicant in the communication filed 13 July 2009, the Examiner's Answer mailed 12 May 2009 has been withdrawn. The prosecution of this application is hereby reopened.
3. The following is a **NON-FINAL** Office Action in response to the communication received on 13 July 2009.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

“Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.”
5. Claims 23 and 27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
6. Both claims 23 and 27 are directed to a computer readable medium for providing instruction codes executable by a programmable device. The above claims do not positively recite the instructions being embodied on the computer readable medium.

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Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3-11, 13-23 and 25-33 are rejected under 35 U.S.C. 102(e) as anticipated by Gilliam et al. (US Patent No. 7,206,765 B2) (“Gilliam”).

9. The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

10. Referring to claim 1, Gilliam discloses the following:

a) specifying rights expression information using a computer, said rights expression information indicating a manner of use of an item of digital content, said rights expression information including at least one element, said element having a variable and corresponding value for said variable [see abstract, column 3, line 1 through column 4, line 39, column 7, line 11 through

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column 8, line 9, column 23, lines 34-47, column 26, lines 2-15 (the file and at least one response with private keying material that it can access));

b) generating a template of said rights expression information, including removing said value for said variable from said element [see column 9, lines 6-22, col. 11, lines 6-11 – the rights can be in the form of a profile; col. 7, lines 39-55 (each time the usage rights is exercised, the value of the state variable can be incremented, which is interpreted as removing the value)];

c) generating an identification for said template [see fig. 1& fig. 3 with associated text]; and

d) transmitting said identification for said template to a device adapted to situationally determine said variable and enforce said rights expression information based on said variable and said identification for said template, whereby said rights expression information can be enforced on a device based on said variable and said identification for said template [see abstract column 3, line 1 through column 4, line 39, column 45, claim 1].

11. Referring to claim 3, Gilliam further discloses wherein said transmitting step comprises: transmitting one or more variables associated with said identification for said template in a predetermined order and situationally determining untransmitted variables [see column 9, lines 16-45 (the user makes a request from the vendor and receives the ticket item, which includes rights)].

12. Referring to claim 4, Gilliam further discloses wherein said transmitting step comprises: transmitting one or more variables associated with said identification for said template in a non-predetermined order and situationally determining untransmitted variables [see column 9, lines

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16-45 (the user makes a request from the vendor and receives the ticket item, which includes rights)].

13. Referring to claim 5, Gilliam discloses the following:

- e) specifying rights expression information indicating a manner of use of an item, said rights expression information including at least one element, said element having a variable and corresponding value for said variable [see column 3, line 1 through column 4, line 39, column 7, lines 11-23, column 8, lines 1-9, column 23, lines 34-47, column 26, lines 2-15 (the file and at least one response with private keying material that it can access)];
- f) generating a template of said rights expression information, including removing said value for said variable from said element [see column 9, lines 6-22, col. 11, lines 6-11 – the rights can be in the form of a profile; col. 7, lines 39-55 (each time the usage rights is exercised, the value of the state variable can be incremented, which is interpreted as removing the value)];
- g) generating an identification for said template [see fig. 1& fig. 3 with associated text];
- h) transmitting said identification for said template along with machine- interpretable reconstruction instructions to a device, wherein said device is adapted to follow said machine- interpretable reconstruction instructions to determine said variable and enforce said rights expression information based on said variable and said identification for said template [see column 9, lines 16-45 (the user makes a request from the vendor and receives the ticket item, which includes rights)];
- i) whereby said rights expression information can be enforced on a device based on said variable and said identification for said template [see abstract, column 3, line 1 through column

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4, line 39, column 45, claim 1].

14. Referring to claim 6, Gilliam further discloses wherein said transmitting step comprises: transmitting one or more variables associated with said identification for said template in a predetermined order and determining untransmitted variables according to said machine-interpretable reconstruction instructions [see column 9, lines 16-45 (the user makes a request from the vendor and receives the ticket item, which includes rights)].

15. Referring to claim 7, Gilliam further discloses wherein said transmitting step comprises: transmitting one or more variables associated with said identification for said template in a non-predetermined order and determining the untransmitted variables according to said machine-interpretable reconstruction instructions [see column 9, lines 16-45 (the user makes a request from the vendor is receives the ticket item, which includes rights)].

16. Referring to claim 8, Gilliam further discloses transmitting said identification for said template to a device adapted to follow machine-interpretable reconstruction instructions to determine said variable and enforce said rights expression information based on said variable and said identification for said template [see column 9, lines 16-45 (the user makes a request from the vendor is receives the ticket item, which includes rights)].

17. Referring to claim 9, Gilliam further discloses wherein said transmitting step comprises: transmitting one or more variables associated with said identification for said template in a

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predetermined order, determining the machine-interpretable reconstruction instructions associated with said template, and determining untransmitted variables according to said machine-interpretable reconstruction instructions [see column 9, lines 16-45 (the user makes a request from the vendor and receives the ticket item, which includes rights)].

18. Referring to claim 10, Gilliam further discloses wherein said transmitting step comprises: transmitting one or more variables associated with said identification for said template in a non-predetermined order, determining the machine-interpretable reconstruction instructions associated with said template, and determining the untransmitted variables according to said machine-interpretable reconstruction instructions (see column 9, lines 16-45 (the user makes a request from the vendor is receives the ticket item, which includes rights)]).

19. Referring to claim 11, Gilliam discloses the following:

j) means for specifying rights expression information using a computer, said rights expression information indicating a manner of use of an item of digital content , said rights expression information including at least one element, said element having a variable and corresponding value for said variable [see abstract, column 3, line 1 through column 4, line 39, column 7, line 11 through column 8, line 9, column 23, lines 34-47, column 26, lines 2-15 (the file and at least one response with private keying material that it can access)];

k) means for generating a template of said rights expression information, including removing said value for said variable from said element [see column 9, lines 6-22, col. 11, lines 6-11 – the

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rights can be in the form of a profile; col. 7, lines 39-55 (each time the usage rights is exercised, the value of the state variable can be incremented, which is interpreted as removing the value));

l) means for generating an identification for said template [see fig. 1& fig. 3 with associated text]; and

m) means for transmitting said identification for said template to a device adapted to situationally determine said variable and enforce said rights expression information based on said variable and said identification for said template, whereby said rights expression information can be enforced on a device based on said variable and said identification for said template [see abstract column 3, line 1 through column 4, line 39, column 45, claim 1].

20. Referring to claim 13, Gilliam further discloses wherein said transmitting step comprises: Means for transmitting one or more variables associated with said identification for said template in a predetermined order and situationally determining untransmitted variables [see column 9, lines 16-45 (the user makes a request from the vendor and receives the ticket item, which includes rights)].

21. Referring to claim 14, Gilliam further discloses wherein said transmitting step comprises: means for transmitting one or more variables associated with said identification for said template in a non-predetermined order and situationally determining untransmitted variables [see column 9, lines 16-45 (the user makes a request from the vendor and receives the ticket item, which includes rights)].

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22. Referring to claim 15, Gilliam discloses the following:

- n) means for specifying rights expression information using a computer, said rights expression information indicating a manner of use of an item of digital content, said rights expression information including at least one element, said element having a variable and corresponding value for said variable [see abstract, column 3, line 1 through column 4, line 39, column 7, line 11 through column 8, line 9, column 23, lines 34-47, column 26, lines 2-15 (the file and at least one response with private keying material that it can access)];
- o) means for generating a template of said rights expression information, including removing said value for said variable from said element [see column 9, lines 6-22, col. 11, lines 6-11 – the rights can be in the form of a profile; col. 7, lines 39-55 (each time the usage rights is exercised, the value of the state variable can be incremented, which is interpreted as removing the value)];
- p) means for generating an identification for said template [see fig. 1& fig. 3 with associated text]; and
- q) means for transmitting said identification for said template to a device adapted to situationally determine said variable and enforce said rights expression information based on said variable and said identification for said template, whereby said rights expression information can be enforced on a device based on said variable and said identification for said template [see abstract column 3, line 1 through column 4, line 39, column 45, claim 1].

23. Referring to claim 16, Gilliam further discloses means for transmitting one or more variables associated with said identification for said template in a predetermined order and determining untransmitted variables according to said machine-interpretable reconstruction

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instructions [see column 9, lines 16-45 (the user makes a request from the vendor and receives the ticket item, which includes rights)].

24. Referring to claim 17, Gilliam further discloses means for transmitting one or more variables associated with said identification for said template in a non-predetermined order and determining the untransmitted variables according to said machine-interpretable reconstruction instructions [see column 9, lines 16-45 (the user makes a request from the vendor and receives the ticket item, which includes rights)].

25. Referring to claim 18, Gilliam further discloses means for transmitting said identification for said template to a device adapted to follow machine-interpretable reconstruction instructions to determine said variable and enforce said rights expression information based on said variable and said identification for said template [see column 9, lines 16-45 (the user makes a request from the vendor is receives the ticket item, which includes rights)].

26. Referring to claim 19, Gilliam further discloses wherein said transmitting means comprises: means for transmitting one or more variables associated with said identification for said template in a predetermined order, determining the machine-interpretable reconstruction instructions associated with said template, and determining untransmitted variables according to said machine-interpretable reconstruction instructions [see column 9, lines 16-45 (the user makes a request from the vendor and receives the ticket item, which includes rights)].

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27. Referring to claim 20, Gilliam further discloses wherein said transmitting means comprises: means for transmitting one or more variables associated with said identification for said template in a non-predetermined order, determining the machine-interpretable reconstruction instructions associated with said template, and determining the untransmitted variables according to said machine-interpretable reconstruction instructions (see column 9, lines 16-45 (the user makes a request from the vendor is receives the ticket item, which includes rights)).

28. Referring to claim 21, Gilliam further discloses wherein said means for specifying, said means for generating said template and said means for generating said identification comprise devices of a computer system [see abstract, column 3, line 1 through column 4, line 39, column 7, line 11 through column 8, line 9, column 23, lines 34-47, column 26, lines 2-15 (the file and at least one response with private keying material that it can access)].

29. Referring to claim 22, Gilliam further discloses wherein said means for specifying, said means for generating said template and said means for generating said identification comprise computer readable instructions recorded on a computer readable medium [see abstract, column 3, line 1 through column 4, line 39, column 7, line 11 through column 8, line 9, column 23, lines 34-47, column 26, lines 2-15 (the file and at least one response with private keying material that it can access)].

30. Referring to claim 23, Gilliam discloses the following:

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r) means for receiving an identification for a template of rights expression information and a variable from said rights expression information, said rights expression information indicating a manner of use of an item and including at least one element having said variable and a corresponding value for said variable, said template of said rights expression information, including said value for said variable removed from said element [see abstract, column 3, line 1 through column 4, line 39, column 7, line 11 through column 8, line 9, column 23, lines 34-47, column 26, lines 2-15 (the file and at least one response with private keying material that it can access)]; and

s) means for situationally determining said variable and enforcing said rights expression information based on said variable and said identification for said template [see abstract column 3, line 1 through column 4, line 39, column 45, claim 1].

31. Referring to claim 25, Gilliam further discloses wherein said rights expression information includes one or more variables associated with said identification for said template received in a predetermined order and the device further includes means for situationally determining untransmitted variables [see column 9, lines 16-45 (the user makes a request from the vendor and receives the ticket item, which includes rights)].

32. Referring to claim 26, Gilliam further discloses wherein said rights expression information includes one or more variables associated with said identification for said template received in a non-predetermined order and the device further includes means for situationally

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determining the untransmitted variables [see column 9, lines 16-45 (the user makes a request from the vendor and receives the ticket item, which includes rights)].

33. Referring to claim 27, Gilliam discloses the following:

- t) means for receiving an identification for a template of rights expression information and a variable from said rights expression information, said rights expression information indicating a manner of use of an item and including at least one element having said variable and a corresponding value for said variable, said template of said rights expression information, including said value for said variable removed from said element [see abstract, column 3, line 1 through column 4, line 39, column 7, line 11 through column 8, line 9, column 23, lines 34-47, column 26, lines 2-15 (the file and at least one response with private keying material that it can access)];
- u) means for situationally determining said variable and enforcing said rights expression information based on said variable and said identification for said template [see abstract column 3, line 1 through column 4, line 39, column 45, claim 1];
- v) means for receiving said identification for said template along with machine-interpretable reconstruction instructions [see fig. 1& fig. 3 with associated text]; and
- w) means for following said machine-interpretable reconstruction instructions to determine said variable and enforce said rights expression information based on said variable and said identification for said template [see abstract column 3, line 1 through column 4, line 39, column 45, claim 1].

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34. Referring to claim 28, Gilliam further discloses wherein said rights expression information includes one or more variables associated with said identification for said template received in a predetermined order and the device further includes means for determining untransmitted variables according to said machine-interpretable reconstruction instructions (see column 9, lines 16-45 (the user makes a request from the vendor is receives the ticket item, which includes rights)).

35. Referring to claim 29, Gilliam further discloses wherein said rights expression information includes one or more variables associated with said identification for said template received in a non-predetermined order and the device further includes means for determining the untransmitted variables according to said machine-interpretable reconstruction instructions (see column 9, lines 16-45 (the user makes a request from the vendor is receives the ticket item, which includes rights)).

36. Referring to claim 30, Gilliam further discloses means for receiving said identification for said template [see fig. 1& fig. 3 with associated text]; and means for following machine-interpretable reconstruction instructions to determine said variable and enforce said rights expression information based on said variable and said identification for said template [see abstract column 3, line 1 through column 4, line 39, column 45, claim 1].

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37. Referring to claim 31, Gilliam further discloses wherein said rights expression information includes one or more variables associated with said identification for said template received in a predetermined order and the device further includes means for determining the machine-interpretable reconstruction instructions associated with said template, and means for determining untransmitted variables according to said machine-interpretable reconstruction instructions (see column 9, lines 16-45 (the user makes a request from the vendor is receives the ticket item, which includes rights)]).

38. Referring to claim 32, Gilliam further discloses wherein said rights expression information includes one or more variables associated with said identification for said template received in a non-predetermined order and the device further includes means for determining the machine-interpretable reconstruction instructions associated with said template, and means for determining the untransmitted variables according to said machine-interpretable reconstruction instructions (see column 9, lines 16-45 (the user makes a request from the vendor is receives the ticket item, which includes rights)]).

39. Referring to claim 33, Gilliam further discloses wherein said means for receiving and said means for enforcing comprise computer readable instructions recorded on a computer readable medium [see column 3, line 1 through column 4, line 39, column 7, lines 11-23, column 8, lines 1-9, column 23, lines 34-47, column 26, lines 2-15].

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40. Although Applicant(s) use “means for” in the claim(s) (e.g. claims 11, 13-23, 25-33), it is the Examiner’s position that the “means for” phrase(s) do not invoke 35 U.S.C. 112 6th paragraph. If Applicant(s) concur, the Examiner respectfully requests Applicant(s) to either amend the claim(s) to remove all instances of “means for” from the claim(s), or to explicitly state on the record why 35 U.S.C. 112 6th paragraph should not be invoked.

41. Alternatively, if Applicant(s) desire to invoke 35 U.S.C. 112 6th paragraph, the Examiner respectfully requests Applicant(s) to expressly state their desire on the record. Upon receiving such express invocation of 35 U.S.C. 112 6th paragraph, the “means for” phrase(s) will be interpreted as set forth in the *Supplemental Examination Guidelines for Determining the Applicability of 35 USC 112 6th*.¹

42. Failure by Applicant(s) in their next response to also address the 35 U.S.C. 112 6th paragraph issues in accordance with 37 C.F.R. §1.111(b) or to be non-responsive to this issue entirely will be considered a desire by Applicant(s) NOT to invoke 35 U.S.C. 112 6th paragraph. Unless expressly noted otherwise by the Examiner, the preceding discussion on 35 U.S.C. 112 6th paragraph applies to all examined claims currently pending.

Response to Arguments

43. Applicant's arguments filed on July 13, 2009 have been fully considered but they are not persuasive.

44. As per claim 1, Applicant argues “Gilliam does not disclose specifying rights expression information indicating a manner of use of an item, said rights expression information including at least one element, said element having a variable and corresponding value for said variable;

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generating a template of said rights expression information, including removing said value for said variable from said element; generating an identification for said template; and transmitting said identification for said template to a device adapted to situationally determine said variable and enforce said rights expression information based on said variable and said identification for said template, whereby said rights expression information can be enforced on a device based on said variable and said identification for said template (response pages 10-11)".

45. Gilliam teaches specifying specifying rights expression information indicating a manner of use of an item, said rights expression information including at least one element, said element having a variable and corresponding value for said variable [see column 3, line 1 through column 4, line 39, column 7, lines 11-23, column 8, lines 1-9, column 23, lines 34-47, column 26, lines 2-15 (the file and at least one response with private keying material that it can access)]; generating a template of said rights expression information, including removing said value for said variable from said element [see column 9, lines 6-22, col. 11, lines 6-11 – the rights can be in the form of a profile; col. 7, lines 39-55 (each time the usage rights is exercised, the value of the state variable can be incremented, which is interpreted as removing the value)]; generating an identification for said template [see fig. 1& fig. 3 with associated text]; transmitting said identification for said template along with machine- interpretable reconstruction instructions to a device, wherein said device is adapted to follow said machine-interpretable reconstruction instructions to determine said variable and enforce said rights expression information based on said variable and said identification for said template [see column 9, lines 16-45 (the user makes a request from the vendor and receives the ticket item, which includes rights)]; whereby said rights expression information can be enforced on a device based on said variable and said

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identification for said template [see abstract, column 3, line 1 through column 4, line 39, column 45, claim 1].

46. As per claims 3-11, 13-23 and 25-33, Further applicant also argues “Gilliam does not disclose transmitting one or more variables associated with said identification for said template in a predetermined order and situationally determining untransmitted variables; specifying rights expression information indicating a manner of use of an item, said rights expression information including at least one element, said element having a variable and corresponding value for said variable; generating a template of said rights expression information, including removing said value for said variable from said element; generating an identification for said template; transmitting said identification for said template along with machine- interpretable reconstruction instructions to a device, wherein said device is adapted to follow said machine-interpretable reconstruction instructions to determine said variable and enforce said rights expression information based on said variable and said identification for said template; whereby said rights expression information can be enforced on a device based on said variable and said identification for said template (response pages 10-11)”.

47. Gilliam teaches means for specifying rights expression information using a computer, said rights expression information indicating a manner of use of an item of digital content , said rights expression information including at least one element, said element having a variable and corresponding value for said variable [see abstract, column 3, line 1 through column 4, line 39, column 7, line 11 through column 8, line 9, column 23, lines 34-47, column 26, lines 2-15 (the file and at least one response with private keying material that it can access)]; means for generating a template of said rights expression information, including removing said value for

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said variable from said element [see column 9, lines 6-22, col. 11, lines 6-11 – the rights can be in the form of a profile; col. 7, lines 39-55 (each time the usage rights is exercised, the value of the state variable can be incremented, which is interpreted as removing the value)]; means for generating an identification for said template [see fig. 1& fig. 3 with associated text]; and means for transmitting said identification for said template to a device adapted to situationally determine said variable and enforce said rights expression information based on said variable and said identification for said template, whereby said rights expression information can be enforced on a device based on said variable and said identification for said template [see abstract column 3, line 1 through column 4, line 39, column 45, claim 1].

Conclusion

48. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

49. Any inquiry concerning this communication or earlier communications from the patent examiner should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The Patent examiner can normally be reached on Monday-Thursday (8:30am -7:00pm), Friday off.

50. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for this origination where this application or proceeding is assigned is (571) 273-8300.

51. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.

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52. Statues information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-directed.uspto.gov>.

53. Should you have any questions on accessing to the Private PAIR system, contact the Electronic Business Center (EBC) at 1(866) 217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 1(800) 786-9199 (IN USA OR CANADA) or 1(571) 272-1000.

SK
August 29, 2009

/EVENS J. AUGUSTIN/

Primary Examiner, Art Unit 3621